

**REMARKS**

In the Office Communication mailed July 25, 2007, the Examiner has required that applicants elect a group of claims and a single chemical species for examination and has also required that applicants identify the pending claims that read on the elected species.

Accordingly, applicants provisionally elect, with traverse, Group I and the following species: 4-[3-(5-Trifluoromethyl-1H-benzimidazol-2-yl) carbamoyl) phenoxy] pyridine-2-carboxylic acid, methyl amide. This species is shown in the specification, for example, as compound 6 on page 123 of the specification. Claims 1-3, 5-13, 15-24 and 28-29 read on this elected species.

Applicants note that upon a finding that the elected species is allowable, the Examiner is required to search additional species. Further, Applicants note that non-elected method claims are subject to rejoinder upon allowance of compound claims.

Applicants do not contest the Examiner's evaluation that the Groups are patentably distinct. However, Applicants traverse the restriction because the search of more than one Group would not place an undue burden on the Examiner.

Regarding Applicants' amendments to the claims, the claims have been amended to use standard U.S. Markush language, that is, using either "the group consisting of" or "or" recitations. These amendments reflect that the scope of the claims include the Markush species, either individually or in combination. Furthermore, applicants have deleted the "physiologically acceptable derivatives, salts and solvates thereof" recitation in the claims depending directly or indirectly from claim 1 (except for claim 3, due to the wording of this claim). This amendment has been made because the deleted language is recited in claim 1 and therefore is incorporated into each of the claims depending directly or indirectly from claim 1. Furthermore, applicants have clarified antecedent basis, for example, by deleting "the" in certain of the claims. Finally, Applicants have deleted claim 14 because it is a European

format "use" claim and Applicants have also deleted certain method claims that are now redundant due to the amendment of certain use claims into method claims.

Finally, Applicants have amended the specification to denote the table in the specification on page 58 as "table 1" consistent with claim 5.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below to expedite prosecution.

The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account Number 50-3380, referencing Attorney Docket No. 978725.5.

Respectfully submitted,

BAKER & DANIELS, LLP

By

  
Ronald J. Kamis, Reg. No. 41,104  
Baker & Daniels LLP  
805 15<sup>th</sup> Street, N.W., Suite 700  
Washington, D.C. 20005  
Telephone: (202) 312-7029  
Facsimile: (202) 312-7441